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it. Several weeks later the car was found in the state of Missouri. "It is argued by appellant that there was no actual conversion by Yost of appellee's property, so that he was deprived of the ownership thereof; that because he did not actually sell the machine there was no conversion. But, manifestly, this argument is unsound; the machine was loaned to Yost for a specific purpose, and to go to a certain place; he went not only beyond that place, but he never did in fact return the machine, but abandoned it in a remote section of a distant state in a badly damaged condition, and did not even notify appellee where it might be found, and it was not in fact recovered for some six or seven weeks after it should have been returned. This was just as effectual a conversion as if he had actually sold the machine and appropriated the proceeds. Appellant's argument, if followed to its logical end, would mean that there would have been no conversion even if Yost had retained possession of the machine for five years, just so he had not sold it. Manifestly this can not be true."

Act of Congress of December 17, 1914—Sale of Opium.—The opinion of the United States District Court, Western District of Pennsylvania by Thompson, J., holding where a physician furnishes opium to another under a written prescription, an indictment against him can not be sustained which charges him with conspiring with that other to have in the latter's possession and under his control the opium in question, although the indictment charges that the prescription was issued in bad faith. In the 8th section, which makes it unlawful for any person to have in his possession or under his control certain drugs without being registered, the word "person" should be held to apply to those who are required to register and pay the special tax, viz: those who produce, import, manufacture, deal in, sell, etc.

Fishing Rights in Overflowed Rivers.—When a navigable river overflows its banks and forms lakelets on privately owned lands, how far do public hunting and fishery rights extend? Plaintiffs in the case of *Knudson v. Hull*, 148 Pacific Reporter 1070, claimed that such rights were confined to the original river channel, while defendant claimed they also extended to the overflow waters, and so persuaded the lower court. The Supreme Court of Utah, however, held with plaintiff, and reversed the judgment.

Sherlock Holmes Outdone.—The marvelous exploits of Conan Doyle's famous character have been surpassed. A new record in deductive ability has been established. The king of sleuths has been dethroned, and by a mere woman. Holmes can unravel a mystery with a footprint as a clue. Apparently this would be child's

play for a Miss Hatfield of Oregon. She can tell the speed of an auto by its tire marks on the pavement. The Supreme Court of Oregon ungallantly refuses to accept her testimony in *Everart v. Fishcer*, 147 Pacific Reporter, 189. The court says: "Another assignment of error rests upon allowing a young lady witness named Lottie Hatfield to give her opinion about the speed of the automobile. She did not see the vehicle in motion nor appear upon the scene until some time after the accident had happened. She testified, in substance, that behind it, and in the direction from which the automobile came, she observed two black streaks upon the pavement; and, having said in answer to a question, 'Well, I know pretty well about the speed,' she was asked if she would be able to approximate the speed of the car from the marks it left in stopping. She answered affirmatively, and proceeded to say, 'I should judge from that about 30 miles an hour, by the depth of the burns.' It is insisted that it was error to allow her to give her expert opinion upon the speed of the automobile from the data presented. Conceding that it was a matter calling for opinion evidence, the conditions were not adequate grounds upon which any expert could form an estimate. The mere marks upon the pavement did not constitute a sufficient basis for that kind of testimony. The ultimate object of the inquiry on that point was the speed of the vehicle. It is reasonable that, if a very heavily loaded car with wheels rough locked were propelled along a pavement at a very slow rate of speed, marks would be left behind. Again, the condition of the tires and of the street as to being rough or even would influence the question. Naturally a very smooth tire upon a very smooth surface, which, in turn, might be affected by a condition of dampness or frost, would result in but a faint marking. A variance in smoothness of either the tire or the pavement would produce different results. There was no testimony about any such conditions, or at least none of them were suggested to or mentioned by the witness. Consequently the foundation for expert testimony did not exist."

Officers Exceeding Speed Limit.—A police officer by virtue of his office in enforcing the law may perform acts which done by others constitute crimes. But even the policeman's authority is limited. His right of redress for injuries sustained while pursuing violators of the law has frequently been questioned. Plaintiff in *Keevil v. Ponsford et al.*, 173 Southwestern Reporter, 518, is a police officer. In attempting to capture speed violators, he ran his motorcycle at 50 to 60 miles per hour, and sustained injuries by colliding with a pile of building material negligently left unlighted. The court directed a verdict for defendant. The Court of Civil Appeals held: "It cannot be denied that it was negligence of the grossest character to obstruct the street in the manner indicated without complying with the ordinance relative to placing lights thereon. On the